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T-616 P.001/003 F-125

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X
THE NEW YORK DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS WELFARE
FUND, NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS VACATION FUND, NEW YORK
CITY DISTRICT COUNCIL OF CARPENTERS
ANNUITY FUND, NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS APPRENTICESHIP,
JOURNEYMAN RETRAINING, EDUCATIONAL
AND INDUSTRY FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS CHARITY
FUND, by their Trustees Michael J. Forde and Paul
O'Brien, and NEW YORK CITY AND VICINITY
CARPENTERS LABOR-MANAGEMENT
CORPORATION,

Plaintiffs,

-against-

KW CONSTRUCTION INC., as Successor to K W
GENERAL CONTRACTOR, INC. and JOHN WHYTE
d/b/a KW CONSTRUCTION, INC., and JOHN
WHYTE, individually,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/19/08

**STIPULATION
AND ORDER**

07-CV-08008 (RJS)

WHEREAS, plaintiffs have moved for an order of attachment against the property of
defendants John Whyte and KW Construction, and defendants have requested a two week
adjournment on the hearing of said motion,

WHEREAS, all parties have consented to the following in order to maintain the status quo with regard to the property and assets of defendants pending the hearing of plaintiffs' motion and without any admission of liability or wrongdoing and with full reservation of all rights and defenses IT IS NOW ORDERED:

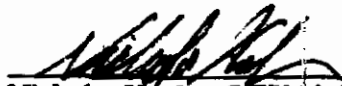
1. Defendants are forbidden to make or suffer any sale, assignment, transfer, or interference with any property, real or personal, in which John Whyte or KW Construction Inc. have an interest, or over which either have any control, whether a present, future, or beneficial interest, except upon ~~direction of the sheriff or~~ written permission from the plaintiff, U.S. marshal or pursuant to an order of the Court, pending a hearing on plaintiffs' motion;
2. Pending the hearing of the plaintiffs' motion for an order of attachment, defendants, their officers, directors, partners, affiliates, members, agents, employees, assigns, transferees and garnishees, and any entities or individuals acting on their behalf, be and hereby are enjoined and restrained from selling, transferring, disposing or otherwise conveying any real or personal property belonging to any of the defendants, including any debt owed to the defendants, or in which any of the defendants has any interest, other than in the ordinary, regular and reasonable course of business or to pay for the ordinary, regular and reasonable necessities of life, such as mortgage and car loan payments, utility, television and telephone bills, groceries, etc., and not in any event to exceed \$5,000.00 per transaction.


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3. Pending the hearing of plaintiff's motion for an order of attachment, defendant John Whyte shall not cause or consent to the sale, transference, disposal, or otherwise encumber the following properties: (1) the real property located at 1700 Route 17M, Goshen, New York; (2) the real property located at 225 Millwood Road, Chappaqua, New York; (3) the real property located at 652 Central Park Avenue, Yonkers, New York; (4) the real property located at 17 Highland Avenue, Yonkers, New York,;

Dated: March 18, 2008
New York, New York


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SO ORDERED.


Hon. Richard J. Sullivan, U.S.D.J.
3/19/08 KCL